

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT TACOMA

11 ORVAL FRAZIER,

12 Plaintiff,

13 v.

14 HAROLD CLARKE, *et al.*,

15 Defendants.

Case No. C07-5691 FDB

ORDER ADOPTING REPORT AND  
RECOMMENDATION  
GRANTING DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT


16  
17 The Magistrate Judge recommends that Defendants in this prisoner civil rights action  
18 be granted summary judgment and the action be dismissed with prejudice. As detailed by the  
19 Magistrate Judge, Defendants provided evidence showing that Plaintiff's medical treatment was  
20 appropriate and that Plaintiff's loss of vision and retina detachment was unrelated to the iritis for  
21 which he was treated. Plaintiff did not conduct any discovery during the six-month time frame  
22 allowed by the Court and Plaintiff failed to come forward with any admissible evidence to support his  
23 claim and contradict Defendant's evidence. Plaintiff has not filed an objection to the Report and  
24 Recommendation. Defendants are entitled to summary judgment.

25 The Court, having reviewed Plaintiffs' complaint, the Report and Recommendation of  
26 Magistrate Judge J. Kelley Arnold, and the remaining record, does hereby find and ORDER:

- 27 (1) The Court adopts the Report and Recommendation;  
28 (2) This action is **DISMISSED WITH PREJUDICE**.

1 (3) Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants and  
2 to the Hon. J. Kelley Arnold.

3 DATED this 2<sup>nd</sup> day of September, 2008.  
4

5  
6   
7 \_\_\_\_\_  
8 FRANKLIN D. BURGESS  
9 UNITED STATES DISTRICT JUDGE  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28